

REMARKS

In response to the Office Action, dated January 4, 2006, Applicant respectfully requests reconsideration of the prior art rejections set forth by the Examiner under 35 U.S.C. §§ 102 & 103. Applicant submits that the references of record whether considered alone or in combination fail to either teach or suggest Applicant's presently claimed invention.

Support for the amendments to each of claims 1, 4, 8, 9, and 14 can be found, for example, at page 5, lines 1-5 ("[T]he sides 15 provide a boundary around the floor 14 to prevent the pet from falling off the pet bed."). Support for new claim 15 can be found in claim 13 as originally filed. Claim 13 was inadvertently withdrawn in applicant's response filed on April 12, 2005. The applicant has re-presented originally filed claim 13 as new claim 15.

35 U.S.C. § 102

Claims 1-6 and 8-11 were rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,568,001 to Walsh ("Walsh"). Applicants respectfully traverse this rejection to the extent that it is applied to the amended claims.

The claims as currently amended are directed to a pet rest and recreation apparatus comprising, *inter alia*, a rest space surrounded by sides. Walsh fails to disclose a rest space surrounded by sides, wherein the sides provide a boundary around the floor/rest area. The bed frame disclosed in Walsh does not provide any boundary for, for example, preventing a pet from falling off of an elevated floor. The applicant respectfully directs the Examiner's attention to Walsh; specifically, column 4, lines 10-17; and any of figures 1 or 2, wherein the function of the bed frame is to *support* a bed mattress ("[T]he bed frame further comprises a

mattress thereon." Column 4, lines 16-17; *emphasis added*). In the presently claimed invention, the rest area is *supported by the storage area*; the sides provide a physical boundary *around* the rest area.

The applicant respectfully submits that the mattress (14) is not surrounded by any sides of the bed frame (12) as defined in Walsh. There is no language, nor are there any drawings, to suggest that the bed frame of Walsh actually provides for a boundary around the rest area. Furthermore, Walsh provides no suggestion of "handles" to be used to transport the apparatus defined therein.

35 U.S.C. § 103

Claims 7, 12, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,568,001 to Walsh ("Walsh"). Applicants respectfully traverse this rejection to the extent that it is applied to the amended claims.

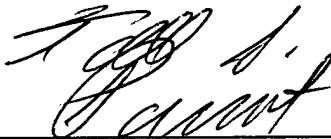
As discussed in the preceding section under 35 U.S.C. § 102, Walsh does not anticipate, nor make obvious, any of claims 1-6 or 8-11. Claims 7 and 12 depend from independent claims 1 and 8, respectively. Because each of claims 7 and 12 incorporate the limitations of claims 1 and 8, the Walsh reference cannot anticipate, nor make obvious, any of claims 7 and 12.

Claim 14 has been amended to physically define the rest space by incorporating sides as structural boundaries; not supporting structures. Walsh fails to disclose, nor does he make obvious, any rest area boundaries which would function to, for example, prevent a pet from falling off of the elevated area.

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Applicant respectfully submits that all claims now stand in condition for allowance.

Respectfully submitted,



Date: March 28, 2006

(Reg. #26,494)

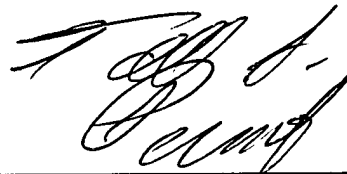
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I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail on March 28, 2006 in an envelope addressed to:

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A handwritten signature in black ink, appearing to read "T. S. Parkhurst", written over a horizontal line.

Todd S. Parkhurst
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